

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SYLVESTER CASAREZ,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-11-205

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO DENY
PETITIONER'S MOTION TO PROCEED *IN FORMA PAUPERIS***

On June 13, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis*, (D.E. 3), be denied. The memorandum and recommendation further recommended that petitioner be instructed to pay the filing fee within twenty (20) days of the date of any order adopting the memorandum and recommendation, or voluntarily dismiss the petition; and further that he be advised that failure to pay the filing fee within the time period ordered may result in the dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party and having now reviewed the recommendation, and noting further that the petitioner paid the required filing fee on June 30, 2011, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, the Court finds that petitioner is not indigent and his motion to proceed *in forma pauperis* is DENIED.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 13th day of July, 2011.



Janis Graham Jack
Senior United States District Judge